

qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

“(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).”;

(6) in paragraph (4), by striking “and subsidized employment” and inserting “subsidized employment, and employment services”;

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting “ON PAYMENTS; ADJUSTMENT AUTHORITY” after “LIMITATION”;

(B) by striking “The total amount” and inserting the following:

“(A) IN GENERAL.—The total amount”;

(C) by inserting after “grant” the following: “The total amount payable to a single State under subsection (b) and this subsection for the first 6 months of fiscal year 2011 shall not exceed 15 percent of the annual State family assistance grant.”; and

(D) by adding at the end the following:

“(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for the first 6 months of fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such months, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to March 31, 2011, or the Secretary determines that funds are available to accommodate additional State requests.”; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking “or 2008” and inserting “, 2008, or 2009”;

(B) by adding at the end of subparagraph (B)(ii) the following:

“(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.”; and

(C) by adding at the end the following:

“(D) EMPLOYMENT SERVICES.—The term ‘employment services’ means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).”.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue pro-

gram guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section for subsidized employment do not support any subsidized employment position the annual salary of which is greater than the median annual income for all participating jurisdictions.

SEC. ____ TRAINING AND EMPLOYMENT SERVICES.

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional amount for “TRAINING AND EMPLOYMENT SERVICES” under the heading “EMPLOYMENT AND TRAINING ADMINISTRATION” under the heading “DEPARTMENT OF LABOR” for activities under the Workforce Investment Act of 1998 (referred to in this section as the “WIA”), \$1,300,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—Except as otherwise provided in subsection (c), of the amount made available under subsection (a), \$1,300,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(1) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(2) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed \$1,000,000,000;

(3) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”; and

(4) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds.

(c) ADMINISTRATION; MANAGEMENT; OVERSIGHT.—

(1) IN GENERAL.—An amount that is not more than 1 percent of the funds made available to the Department of Labor under subsection (a) may be used for the Federal administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds.

(2) PERIOD FOR OBLIGATION.—Funds designated for the purposes of paragraph (1), together with the funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, and the funds described in the matter under the heading “SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)”, in the matter under the heading “DEPARTMENTAL MANAGEMENT” in title VIII of that division, shall be available for obligation through September 30, 2012.

SEC. ____ INTELLIGENT ASSIGNMENT IN ENROLLMENT AND RE-ASSIGNMENT OF CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)) is amended—

(1) in the second sentence of subparagraph (C), by inserting “, subject to subparagraph (D),” before “on a random basis”; and

(2) by adding at the end the following new subparagraph:

“(D) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C) or any re-assignment, no part D eligible individual described in such subparagraph shall be enrolled in or re-assigned to a prescription drug plan which does not meet both of the following requirements:

“(i) LOW COST.—The total cost under this title of providing prescription drug coverage under the plan is among the lowest 25th percentile of prescription drug plans under this part in the State.

“(ii) MEETS BENEFICIARY NEEDS.—The plan reasonably meets the needs of such part D eligible individuals as a group, as identified by the Secretary using criteria established by the Secretary.

In the case that no plan meets the requirements under clauses (i) and (ii) or that the plans which meet such requirements do not have sufficient capacity for the enrollment or re-assignment of such part D eligible individual in or to the plan, the part D eligible individual shall be enrolled in or re-assigned to a prescription drug plan under the enrollment process under subparagraph (C) (as in existence before the date of the enactment of this subparagraph).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect for enrollments and re-assignments effected on or after January 1, 2012.

SEC. ____ ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

ADJOURNMENT UNTIL MONDAY,
MARCH 8, 2010, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 2:19 p.m., adjourned until Monday, March 8, 2010, at 2 p.m.